

REMARKS

Claims 1-22, 47, 49 and 50 are pending in the application.

Claims 1-18, 20-22, 25-46, 48 and 50 have been withdrawn.

Claims 19, 47, and 49 stand rejected.

Claims 19, and 47, have been amended to state that the composition consists of a specified resin or resins and at least one block copolymer.

35 U.S.C. §§102(e) and 103(a)Gottschalk

Claims 47 and 49 stand rejected under 35 U.S.C. §102(b) as anticipated, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gottschalk (WO 94/12572). The Gottschalk reference fails to teach only thermoplastic resins compatible with a (meth) acrylate component, and therefore fails to present a *prima facie* case of either an anticipation or obviousness.

The Gottschalk reference refers to an ABC triblock polymer, having the reversed nomenclature as in Applicant's triblock as described in Claim 19. In the Gottschalk terpolymer, block (A) is compatible with the resin, and is a vinyl aromatic; block (C) is a C<sub>1-18</sub> alkyl ester of (meth) acrylic acid and is incompatible with the resin. (Claims 1 and 4). This is the exact opposite of Applicant's claim 19 in which Applicant's A block, which is represented by poly(methyl methacrylate) is compatible with the thermoplastic resin; and Applicant's C block which is represented by polystyrene and is incompatible with the thermoplastic resin. It is easy to see how the Gottschalk reference could look similar to Applicant's claims on first glance, due to the difference in nomenclature of the ABC triblock. To summarize:

Gottschalk

A = vinyl aromatic = compatible

C = (meth)acrylate = incompatible

Applicant Claim 19

C = Styrene = incompatible

A = methacrylate = compatible

Thus, while the triblock of Gottschalk contains a vinyl aromatic (ie. styrene) which is compatible

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with the resin, Applicant's claim 19 triblock styrene is incompatible with the resin. And the Gottshalk triblock contains a (meth)acrylate that is incompatible with the resin, while Applicant's claimed methacrylate is compatible with the resin! One of skill in the art would not be motivated by these direct opposites to practice Applicant's claims. Further, the Gottshalk reference, by teaching the exact opposite relationship between a triblock and a thermoplastic resin teaches as far away from Applicant's claims as is possible.

The Gottshalk reference further teaches an additional polymer (C), having the opposite relationship to the triblock as Polymer (A) - and thus the polymer C of Gottshalk could be similar to that of Applicant's claims. However, Applicants have limited the resin to that claimed (thermoplastic fluorinated resin X1 or several compatible resins - Claim 19; or a styrene thermoplastic resin X1 or several compatible resins - Claim 47). Therefore the thermoplastic resin now consists only of resins compatible with X1, and therefore compatible with block A. Since Gottshalk teaches that the thermoplastic resin must have both a compatible and incompatible component, it teaches opposite and away from Applicant's claims of only compatible resins.

Applicant's claims 47 and 49 use a similar nomenclature to the Gottshalk ABC, and have similar compatibilities to the Gottshalk polymer A. However, the Gottshalk reference claims a mixture of compatible polymer A and incompatible polymer C, while in Applicant's invention the thermoplastic resin contains only polymers that are compatible with block A.

In Applicant's invention, the C blocks are incompatible with any part of the thermoplastic resin, and "form a discontinuous phase within the material, forming nanodomains..." Page 8, lines 20-25 of the original specification. The Gottshalk reference describes the tri-block polymer as a compatibilizer for two incompatible polymers in the thermoplastic matrix. No such compatibilizer is needed in Applicant's invention, as all resins in the thermoplastic matrix are already compatible. The triblock instead serves a very different function than that taught by the Gottshalk reference.

Claims 47 and 49 stand rejected under 35 U.S.C. §102(b) as anticipated, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Auschra et al. (Macromolecules, vol 26, no. 24, 1993). As in the Gottshalk reference above, the triblock described in the Auschra reference is used as a compatibilizer for two incompatible polymers in the thermoplastic resin matrix. Applicant's

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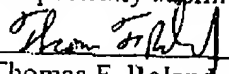
claim a thermoplastic matrix composed only of compatible resins. The Auschra reference fails to teach or suggest a thermoplastic matrix containing only compatible resins, and thus fails to present a *prima facie* case of either obviousness or anticipation. Further, by describing only a thermoplastic matrix formed of incompatible resins, the Auschra reference teaches away from Applicant's claims of a thermoplastic matrix composed of only compatible resins.

#### Double Patenting Rejection

Applicant maintains that the double patenting rejections are both improper, as there is no portion of the present patent to disclaim – as the US 09/884,108 and US 6,762,245 references will both expire AFTER Applicant's application. Thus the filing of a Terminal disclaimer, when there is no portion of the patent to disclaim is meaningless and contrary to all public policy.

In view of the above, Applicant believes that the reasons for rejection have been overcome, and the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance after- Final Rejection are requested.

Respectfully submitted,

  
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